

EXHIBIT L

Francesco Gallo

1/11/2008

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

ESTER LORUSSO,

Plaintiff,

-against-

1:07 CV 03583-LBS

ALITALIA-LINEE AEREE ITALIANE, SpA,

Defendant.

-----x

DEPOSITION OF FRANCESCO GALLO

Friday, January 11, 2008

New York, New York

REPORTED BY:

Holly Hough

Francesco Gallo

1/11/2008

1	Gallo	42	1	Gallo	44
2	Q. And he elected to take the retirement		2	company.	
3	package, the ERP, in 2005, correct?		3	Q. When was Mr. Oksuz promoted?	
4	A. Yes, sir.		4	A. I don't remember. Sometime in 2006.	
5	Q. And did you hire someone to replace him?		5	Q. February 2006?	
6	A. Yes.		6	A. May very well be.	
7	Q. And that was you promoted Dursun Oksuz,		7	Q. And didn't Ms. LoRusso take her position	
8	correct?		8	in Cargo in April 2006?	
9	A. Yes. Alitalia promoted with me.		9	A. April 2006, I don't recall. Probably	
10	Q. It was your proposal, correct?		10	prior than that.	
11	A. Yes.		11	Q. All right. And do you recall that Ms.	
12	Q. What were Mr. Dursun Oksuz's		12	LoRusso asked you if she could be considered for the	
13	qualifications for the position of vice president of		13	position of vice president of Regulatory Affairs?	
14	Regulatory Affairs?		14	A. No.	
15	A. The biggest and the most important for me		15	Q. If I told you that she makes that	
16	was his ability and potential to learn and to grow.		16	allegation --	
17	Q. To learn and to grow?		17	A. Probably, probably.	
18	A. To learn and grow, good potential, right.		18	Q. Did you consider Ester LoRusso for that	
19	And he studied law in Turkey, excellent in computer		19	position?	
20	science.		20	A. At one point I did, I was thinking of, but	
21	Q. Was he the ideal candidate for the		21	then again, it was Mr. Libutti's position that Ester	
22	position?		22	LoRusso was, in a way or another, going to be	
23	A. No, but it was the best under the		23	terminated. Otherwise, there would have been other	
24	circumstances.		24	jobs that Ester could have.	
25	Q. Why was he a better candidate than Ester		25	Q. Let's just talk about --	
1	Gallo	43	1	Gallo	45
2	LoRusso?		2	THE VIDEOGRAPHER: The tape ran out. We	
3	A. When the position of Regulatory Affairs,		3	went off the record at 11:06 a.m.	
4	Ester LoRusso, if I don't recall, was still managing		4	(A brief recess was taken.)	
5	director of GA 2000. It would have been a demotion		5	THE VIDEOGRAPHER: This is the beginning	
6	for her.		6	of tape two. We're back on the record at 11:18	
7	Q. Didn't GA 2000 close in October of 2005?		7	a.m.	
8	A. October of 2005, no, I don't think so.		8	Q. Okay. Do you remember what Ester LoRusso	
9	Q. You don't think it closed in 2005?		9	said to you about her interest in the Regulatory	
10	A. No, it was closed in 2006.		10	Affairs position?	
11	Q. Isn't that when you found Ester LoRusso a		11	A. I don't remember.	
12	job in Cargo as a director in 2006?		12	Q. Okay.	
13	A. Yes, therefore from GA, she was		13	A. But I believe that it was referred to me	
14	transferred in Cargo, I believe, if I recall well,		14	of interest in the job by Mr. D'Oro. I'm not sure.	
15	2006.		15	I don't know.	
16	Q. You do not recall that there was a period		16	Q. Did Mr. D'Oro recommend that you hire Ms.	
17	of four or five months that Ester LoRusso had		17	LoRusso to the job of vice president, Regulatory	
18	nothing to do because GA 2000 was closed and the		18	Affairs?	
19	position in Cargo had not yet materialized?		19	A. No.	
20	MR. KOCIAN: Objection.		20	Q. Did Mr. D'Oro, if you know, consider her	
21	A. No. I remember especially during this		21	qualified for that position?	
22	time Ester LoRusso was overloaded up to the ceiling		22	MS. KURZON: Objection.	
23	of her office in files and refunds and so forth		23	MR. KOCIAN: Objection.	
24	because of the upcoming official closing, as		24	MR. KORAL: I don't see what is	
25	procedural consequences of the closing of the		25	objectionable.	

12 (Pages 42 to 45)

Francesco Gallo

1/11/2008

1	Gallo	46	1	Gallo	48
2	Q. If you know.		2	replacement.	
3	A. No.		3	A. Okay.	
4	Q. Do you know?		4	Q. He wanted you to hire a headhunter?	
5	A. He did not express any.		5	A. We did.	
6	Q. So you don't know whether he thought she		6	Q. In order to replace Mr. D'Oro?	
7	was qualified or not; is that right?		7	A. Yes.	
8	A. Right.		8	Q. As vice president of Regulatory Affairs?	
9	Q. Did you regard Mr. Oksuz as better		9	A. That is correct.	
10	qualified for vice president of Regulatory Affairs		10	Q. And you did engage such a headhunter?	
11	than Ms. LoRusso?		11	A. Mr. Libutti did.	
12	A. No.		12	Q. Mr. Libutti directly engaged --	
13	Q. You thought they were equally qualified?		13	A. Yes.	
14	A. Yes.		14	Q. Weren't you in charge of Human Resources	
15	Q. And your reason for selecting Mr. Oksuz		15	at this time?	
16	was that you think that Ms. LoRusso was still busy		16	A. Yes.	
17	with GA 2000 around February 2006?		17	Q. But Mr. Libutti found his own headhunter?	
18	MR. KOCIAN: Objection.		18	A. Yes. And we had a meeting with them, as a	
19	A. Yes.		19	matter of fact, and introduced them to me.	
20	Q. Is that correct?		20	Q. You didn't recommend this headhunter to	
21	A. Yes, it was one of the reasons.		21	Mr. Libutti?	
22	Q. I'm sorry, that was?		22	A. No.	
23	A. One of the reasons.		23	Q. Do you remember the name of the headhunter	
24	Q. What are the other reasons?		24	or the company?	
25	MR. KOCIAN: Other than what you have told		25	A. No, but it is in file.	
1	Gallo	47	1	Gallo	49
2	us already.		2	Q. All right. When did Mr. Libutti engage	
3	A. The selection of Mr. Oksuz to that		3	the headhunter?	
4	position was the result of a compromise among		4	A. I believe the end of 2005.	
5	Mr. Libutti, myself, and Mr. Marchese because of the		5	Q. Okay. Did the headhunter present any	
6	program of the restructure of the Administration		6	candidates?	
7	Department.		7	A. Many.	
8	MR. KORAL: Would you read that answer		8	Q. Were any of them qualified, in your	
9	back to me.		9	opinion, I mean?	
10	(Previous answer was read.)		10	A. Yes, they would be qualified with a long	
11	Q. So there was a restructure of the		11	process of training.	
12	Administration Department going on at this time?		12	Q. All the candidates presented by the	
13	A. Yes.		13	headhunter would have required a long process of	
14	Q. And when you say it was the result of a		14	training?	
15	compromise, I think I need that to be explained		15	A. Very correct.	
16	better. What was Mr. Libutti's position?		16	Q. Did Mr. Libutti want to hire one of them	
17	A. What was Mr. Libutti's position in		17	anyway?	
18	appointing Mr. Oksuz?		18	A. No, because they all were uneconomical,	
19	Q. Well, you said choosing Oksuz was a		19	very expensive.	
20	compromise.		20	Q. Did Mr. Libutti then suggest that you	
21	A. Yes, because Mr. Libutti asked me to		21	promote Mr. Oksuz?	
22	confer with headhunter in New York for the president		22	A. No. I suggested Mr. Libutti that to see	
23	of the HR position, as well as Mr. D'Oro's		23	if since Alitalia either way had to invest in	
24	replacement.		24	training in order to personalize the job and the	
25	Q. Let's just focus on Mr. D'Oro's		25	knowledge, according to the Alitalia necessity, to	

13 (Pages 46 to 49)

Francesco Gallo

1/11/2008

1	Gallo	58	1	Gallo	60
2	Q. The HR person from Rome was physically		2	A. Yes.	
3	present?		3	Q. I thought the arrangement was that Mr.	
4	A. Yes. As a matter of fact, following that,		4	D'Oro would stay on and train Mr. Oksuz.	
5	Tina went to Italy, I believe, two or three weeks.		5	A. Together, till we could afford to have Mr.	
6	And she enrolled, she was enrolled at Berlitz		6	D'Oro as a consultant.	
7	School, Berlitz School in Italy, to learn some		7	Q. Did he give you any other opinion about	
8	Italian. So that was, you know.		8	Mr. Oksuz during the time he was still employed?	
9	Q. Berlitz, is that what you said?		9	A. No.	
10	A. Yeah.		10	Q. Have you ever spoken to Mr. D'Oro about	
11	Q. Okay. Did Tina get a letter of		11	Mr. Oksuz since you left Alitalia?	
12	appointment signed by you and somebody else?		12	A. Yes.	
13	A. Probably.		13	Q. How many times?	
14	Q. Do you remember signing a letter of		14	A. Two, three, two, three times.	
15	appointment?		15	Q. When was the last time?	
16	A. I don't remember. I don't remember.		16	A. March, April of last year.	
17	Probably.		17	Q. Of 2007?	
18	Q. You testified that Mr. Oksuz had the		18	A. That is correct.	
19	ability and potential to learn and that his		19	Q. What was that conversation about?	
20	qualifications included studying law in Turkey,		20	A. In March, mainly his son that got engaged	
21	having excellent computer-science skills, and able		21	and his wife being transferred to Monte Carlo with	
22	to learn; can you think of any other qualifications		22	an Italian bank.	
23	he had for that position?		23	Q. Did you discuss --	
24	A. Time, time and dedication.		24	A. And he was --	
25	Q. Time and dedication?		25	Q. Did you discuss Mr. Oksuz in that	
1	Gallo	59	1	Gallo	61
2	A. Dedication to job, you know. It was a job		2	conversation?	
3	that you had to invest a lot of your own time.		3	A. No.	
4	Forget, you know.		4	Q. Did you discuss Mr. Oksuz in any	
5	Q. Was the arrangement that Mr. Orlando D'Oro		5	conversation that you had with Orlando D'Oro since	
6	would stay on at least for some period of time as a		6	you left Alitalia?	
7	consultant in order to train Mr. Oksuz?		7	A. Yes.	
8	A. Yes.		8	Q. All right. When was that conversation?	
9	Q. And did that in fact happen?		9	A. It was about a month, two months, after	
10	A. Yes.		10	that I was terminated that Orlando, Mr. D'Oro,	
11	Q. Yes?		11	called me and actually informed me of what I really	
12	A. And Mr. D'Oro signed an agreement of		12	already knew, that Mr. Oksuz alleged that I took	
13	consultancy.		13	advantage of him sexually, but I knew already	
14	Q. Prior to your departure from Alitalia in		14	because I met with you.	
15	May of 2006, did Mr. D'Oro give you any opinion as		15	And he told me why he should tell me what	
16	to how Mr. Oksuz was doing in terms of performing		16	was going on. I had to learn it because Mr. Libutti	
17	the functions of the job?		17	left the file. He made sure that people could read	
18	A. Yes. He said that I would have a lot to		18	Mr. Oksuz's complaint, paper were nearby photocopy	
19	do in order to train Mr. Oksuz, which I knew.		19	machine, something to that effect.	
20	Q. So he said, I, Orlando D'Oro, will have a		20	Q. And how did you answer Mr. D'Oro who asked	
21	lot to do in order to train Mr. Oksuz?		21	you why didn't you tell me before?	
22	A. No, no, me.		22	A. I told him, well, Orlando, it's clear to	
23	Q. You?		23	me that this is part of a scheme, a plot.	
24	A. Right.		24	Q. Is that all you said?	
25	Q. You were going to train Mr. Oksuz?		25	A. Something to that effect, yes.	

16 (Pages 58 to 61)

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Francesco Gallo

1/11/2008

1	Gallo	70	1	Gallo	72
2	Q. Mr. Gallo, the only question I'm going to		2	that correct?	
3	ask you about this to begin with is do you recall		3	A. Yes, I proposed it.	
4	seeing this before.		4	MR. KORAL: Let's mark, as Gallo Exhibit	
5	A. I should remember.		5	2, a letter to Ester LoRusso, confidential,	
6	MS. KURZON: Could you identify it for the		6	dated September 1, 2004, signed by Andrea	
7	record?		7	Sciarresi and Giulio Libutti.	
8	MR. KORAL: It's a memo, an email, from		8	(Gallo Exhibit 2, document Bates stamped D	
9	Ester LoRusso to Andrea Sciarresi, dated		9	035, marked for identification, as of this	
10	August 24, 2004, "Subject, My position."		10	date.)	
11	A. Yes, I didn't go through, but now I think		11	Q. Mr. Gallo, will you take a look at that.	
12	I saw this.		12	And my question will be have you seen that before.	
13	Q. Sorry?		13	A. Yes.	
14	A. It was part of the complaint, and I think		14	Q. Did you approve this appointment at the	
15	it's part of the investigation I remember.		15	time it was made?	
16	Q. Mr. Sciarresi either gave you a copy or		16	A. Not only approved but suggested.	
17	showed it to you?		17	Q. Not only approved but suggested, okay.	
18	A. I believe Mr. Libutti and DiClemente		18	I'm going to show you an email, dated	
19	called me about this. I don't remember. I don't		19	Wednesday, September 1, 2004, from Ester LoRusso, to	
20	remember.		20	Andrea Sciarresi, with a copy to Giulio Libutti.	
21	Q. If you don't remember, that's fine, but		21	And I will ask you, once you get to see it, whether	
22	you can just say that.		22	you have seen it before.	
23	So you don't remember Mr. Libutti sending		23	(Gallo Exhibit 3, document Bates stamped D	
24	a copy to you?		24	212, marked for identification, as of this	
25	A. No.		25	date.)	
1	Gallo	71	1	Gallo	73
2	Q. Okay. Wasn't Mr. Sciarresi hospitalized		2	Q. Have you seen it before, Mr. Gallo?	
3	just around this time that this was written,		3	A. Yes, Mr. Libutti showed me.	
4	August 24, 2004?		4	Q. Did you ever speak with an attorney named	
5	A. Maybe.		5	Cynthia Gill?	
6	Q. He was hospitalized at some point?		6	A. In this reference here?	
7	A. Definitely.		7	Q. Have you ever spoken to a Cynthia Gill?	
8	MR. KOCIAN: Definitely what?		8	A. No, I don't think so.	
9	A. He was hospitalized.		9	Q. So you did not speak with her in	
10	MR. KOCIAN: Just always wait for Counsel		10	connection with Ms. LoRusso's complaints?	
11	to finish his question because I didn't even		11	A. This, yes, no.	
12	hear the tail end of that question.		12	Q. Do you know if anybody from Alitalia spoke	
13	Q. Do you recall that he was hospitalized		13	to Ms. Gill?	
14	sometime in the late summer of 2004?		14	A. I don't know.	
15	THE WITNESS: I answer?		15	Q. Mr. Sciarresi, for example, never told you	
16	MR. KOCIAN: Of course. Always answer.		16	he spoke to her?	
17	A. I remember that he was hospitalized in		17	A. No.	
18	summer 2004.		18	Q. In this email, Ms. LoRusso said that the	
19	Q. And while Mr. Sciarresi was hospitalized,		19	offer of a unilateral transfer is not an offer of	
20	did you and Ms. DiClemente cover the functions of		20	promotion, in the second paragraph; do you see that?	
21	the HR Department, except what Angela Ross was		21	A. Yes.	
22	doing?		22	Q. My question is, you testified previously	
23	A. Yes.		23	that going from director to managing director is a	
24	Q. I believe you testified already that you		24	promotion; do you disagree with Ms. LoRusso here?	
25	found the position in GA 2000 for Ms. LoRusso; is		25	A. Do I agree with this?	

19 (Pages 70 to 73)

Francesco Gallo

1/11/2008

1	Gallo	74	1	Gallo	76
2	Q. Do you disagree with Ms. LoRusso?		2	what happened at that meeting?	
3	A. Yes.		3	A. Yes.	
4	MR. KORAL: This has already been marked		4	Q. Okay.	
5	as Defendants' Exhibit 13 in Ms. LoRusso's		5	MR. KOCIAN: Do you need to read it more?	
6	deposition. I don't see any reason to remark		6	THE WITNESS: No, but this goes back to	
7	it, do you?		7	the other day, deposition, whereby it seemed	
8	MS. KURZON: No, that's fine.		8	that --	
9	MR. KORAL: I have copies.		9	MR. KOCIAN: Just wait for a question.	
10	Q. Mr. Gallo?		10	Q. Did you consider following this meeting	
11	A. Thank you.		11	that Ms. LoRusso's discrimination complaints had	
12	MR. KORAL: I think we will mark this, as		12	been addressed by you?	
13	well, as Gallo Exhibit 4.		13	MS. KURZON: Objection.	
14	(Gallo Exhibit 4, document Bates stamped D		14	THE WITNESS: Repeat that question.	
15	0001 through 04, marked for identification, as		15	(Pending question was read.)	
16	of this date.)		16	A. If it was necessary, I would have	
17	Q. Mr. Gallo, have you seen this before?		17	continued. I was under the impression that still,	
18	A. Yes.		18	still disappointed.	
19	MS. KURZON: Have you identified it for		19	Q. Did you feel that any further	
20	the record?		20	investigation was necessary at this time?	
21	MR. KORAL: No, I don't usually do that,		21	A. No.	
22	actually, but since you like it done that way,		22	MR. KORAL: Let's take a look at a memo	
23	I will be chivalrous.		23	from Ester LoRusso, to Giulio Libutti, dated	
24	MS. KURZON: Thank you.		24	the Thursday, September 16th. It is also	
25	MR. KORAL: It is a memo to file from		25	addressed to Francesco Gallo, that's	
1	Gallo	75	1	Gallo	77
2	Stephanie DiClemente, the Manager of Employee		2	September 16, 2004.	
3	Relations and Organizational Development, dated		3	(Gallo Exhibit 5, document Bates stamped D	
4	September 2, 2004, re. notes of meeting with		4	211, marked for identification, as of this	
5	Ester LoRusso and Francesco Gallo.		5	date.)	
6	Q. Mr. Gallo, my question is, did you regard		6	Q. And I will ask whether you remember	
7	this meeting that you had with Ester LoRusso that is		7	receiving it.	
8	memorialized in Ms. DiClemente's notes to constitute		8	MR. KORAL: It will be marked Gallo	
9	your investigation of Ms. LoRusso's allegations of		9	Exhibit 5.	
10	discrimination?		10	Q. Mr. Gallo, are you waiting for me to ask	
11	A. May I read this?		11	you a question?	
12	MR. KOCIAN: Yes, please.		12	A. Yes.	
13	Q. If you want to read it, you can read the		13	Q. Oh, I'm sorry. I thought you were	
14	whole thing.		14	studying the document.	
15	A. Yes, thanks.		15	A. No, I have memory.	
16	Q. I will also represent that there are		16	Q. Oh. My question to you is whether you	
17	marginal notes made here and that those are notes		17	recall receiving this email.	
18	made by Mr. Libutti. Ignore the Libutti notes for		18	A. Yes.	
19	the time being.		19	Q. Did you investigate this complaint?	
20	A. Doesn't make any sense to me, well, I		20	A. Yes, I spoke to Mr. Libutti and I believe	
21	remember, I have seen this.		21	I spoke to Mr. Galli as well.	
22	Q. Without agreeing that this is a verbatim		22	Q. Okay. Did you do any other investigation?	
23	transcript of that meeting that you attended with		23	A. No.	
24	Ms. DiClemente and Ms. LoRusso, does this memo seem		24	MR. KORAL: Let's mark, as Gallo Exhibit	
25	to you to be substantially an accurate record of		25	6, a memo, dated September 17, 2004, marked	

20 (Pages 74 to 77)

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Francesco Gallo

1/11/2008

1	Gallo	82	1	Gallo	84
2	the list of people who would be invited; is that		2	A. Yes.	
3	what you said?		3	Q. Did you give your opinions about who	
4	A. The list would have been prepared by the		4	should be invited when you would see those lists?	
5	Marketing Department and Mr. Libutti and Mr. Galli		5	A. Yes.	
6	would approve the participants.		6	Q. Do you recall seeing a list of people to	
7	Q. I don't want to know what would have		7	be invited to this meeting that Ms. LoRusso was	
8	happened, I want to know what did happen.		8	complaining about and noticing that her name wasn't	
9	Did you know for a fact that Mr. Libutti		9	there?	
10	and Galli approved a list prepared by Rome's		10	A. No, I don't think so.	
11	Marketing Department?		11	Q. Okay.	
12	A. According to what Mr. Libutti told me, and		12	MR. KORAL: Let's look at a document, it's	
13	Mr. Galli, yes.		13	a memo, confidential, to Ester LoRusso, dated	
14	Q. You remember?		14	October 13th of 2004, signed for Andrea	
15	A. Yes, sure, because we had an argument, as		15	Sciarresi by Stephanie DiClemente and by Giulio	
16	I said before.		16	Libutti. We will mark that Gallo 7.	
17	Q. What was the argument about?		17	(Gallo Exhibit 7, document Bates stamped D	
18	A. That it was unnecessary not to invite		18	0037, marked for identification, as of this	
19	Ester LoRusso to a sales meeting.		19	date.)	
20	Q. You had this argument in response to		20	Q. My question is, do you recall seeing this	
21	Ester's complaint in her email or memo, sorry, of		21	before?	
22	September?		22	A. I wrote it.	
23	MS. KURZON: 16th, I believe.		23	Q. You wrote it, okay.	
24	Q. In her email of September 16th?		24	A. Yes.	
25	A. It was, you know, a problem,		25	Q. And you directed Stephanie DiClemente to	
1	Gallo	83	1	Gallo	85
2	September 16th was about the issue, the invitation,		2	sign for Mr. Sciarresi?	
3	not to extend the invitation or not to have Ester		3	A. Probably I was out or Mr. Sciarresi was	
4	participate to the sales meeting, which she has been		4	out.	
5	participating for the last 20 years.		5	Q. So you said, Stephanie, sign for	
6	Q. When did you have that argument with		6	Mr. Sciarresi?	
7	Mr. Libutti?		7	A. Automatically.	
8	A. I don't remember.		8	Q. It was automatic?	
9	Q. I mean, was it in response to Ms.		9	A. Yeah.	
10	LoRusso's September 16th memo, was it in connection		10	Q. And you agree that the promotion was in	
11	with the preparation of this September 17th memo?		11	fact effective November 1, 2004?	
12	MR. KOCIAN: Objection.		12	A. Yes.	
13	Q. Or was it at some other time?		13	Q. And you did not regard the promotion to	
14	MR. KOCIAN: Objection. In addition to		14	general manager of GA 2000 as discriminatory, did	
15	what he told us already? I think he was clear		15	you?	
16	that it was not, I believe, in response to this		16	MR. KOCIAN: Objection.	
17	particular --		17	MS. KURZON: Objection. Objection.	
18	A. No, it wasn't, right. I remember the		18	(Pending question was read.)	
19	facts, I don't remember chronologically when did		19	A. No.	
20	this happen.		20	Q. Let us look at what I think will be the	
21	Q. Did you have any input into who would		21	final document I need to show you. We will mark it	
22	attend sales meetings?		22	Gallo Exhibit 8. It's a memo dated October 25,	
23	A. No.		23	2004, from Stephanie DiClemente to file, re.	
24	Q. Did you ever see lists of people who would		24	Libutti's rebuttal reference LoRusso's claim.	
25	be invited before the invitations went out?		25	(Gallo Exhibit 8, document Bates stamped D	

22 (Pages 82 to 85)